

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 SERENA GATEB,

11 Petitioner,

12 vs.

13 JO GENTRY, *et al.*,

14 Respondents.  
15  
16

Case No. 2:14-cv-00741-JCM-GWF

**ORDER**

17 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. §  
18 2254, by a Nevada state prisoner. Neither a filing fee nor an application to proceed *in forma*  
19 *pauperis* was submitted with the petition. When filing a habeas petition, the petitioner must either  
20 submit the \$5.00 filing fee or an application to proceed *in forma pauperis*.

21 Due to the lack of an *in forma pauperis* application or filing fee, the present action will be  
22 dismissed without prejudice to the filing of a new petition in a new action with a pauper application  
23 with all required attachments. It does not appear from the papers presented that a dismissal without  
24 prejudice would result in a promptly-filed new petition being untimely. In this regard, plaintiff at all  
25 times remains responsible for calculating the running of the limitations period as applied to her case  
26 and properly commencing a timely-filed habeas corpus action.

27 **IT THEREFORE IS ORDERED** that this action is **DISMISSED** without prejudice to the  
28 filing of a **new petition in a new action**.

James C. Mahan  
UNITED STATES DISTRICT JUDGE